

正本

經濟部智慧財產局專利再審查案核駁理由先行通知書

受文者：

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地

址：台北市忠孝東路一段一七六號九樓

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發文文號：

（八九）智專三（四）01021字
第〇八九八二〇〇五六〇四號

主旨：第〇八六一〇九七〇一號專利再審查案經審查後發現尚有如說明欄所述不明確之處，台端（貴公司）若有具體反證資料或說明，請於文到次日起六十日內提出申復說明及有關反證資料一式二份（本案如有修正應繳修正規費新台幣三百元正）。若希望來局當面示範或說明，請於申復說明書內註明「申請面詢」，本局認為有必要時，另安排地點、時間舉辦「面詢」，並繳交規費新台幣壹仟元正。若限期內不提出申復資料，不得要求延期，本局依現有資料進行審定，以免本局案件積案太多。

說明：

- 一、本案「清潔氣體」係揭示以 $CF_3CF=CF_2$ 等氣體做為清潔CVD管腔的氣體，以達清潔CVD管腔之目的。
- 二、利用氟系氣體或氮系氣體做為清潔CVD管腔的清潔氣體，是一種常見的方法，如附件一、11USP 4793283及USP 4795880就有所揭示，故本案所請不具進步性。
- 三、本案係運用申請前既有之技術或知識，而為熟習該項技術者所能輕易完成者，亦不符專利法第二十條第二項之規定，應不予專利。
- 四、另本國專利第三四七四一六號及第三〇二三〇五號（如附件三、四）雖然公告日期比本案的優先權日（或申請日）要晚，但其內容完全相同，也是日本電子公司所申請，而申請的日期比本案的



申請日期早很多，故本案所請仍不具新穎性。

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經濟部智慧財產局

English Translation of the Office Action
(Issued to Taiwanese Patent Application No. 086109701)

Subject:

After examining the patent application No. 086109701, there are several unclear points in the application as described in the following descriptions. If the applicant has any substantial rebuttal documentation or descriptions, please submit the response and the relative rebuttal documentation in duplicate (with the payment of NT\$ 300 official fee, if there are amendments) within 60 days from the date following receipt of this Action. If the applicant wants to come to the Office to demonstrate or describe, please annotate "petition for interview" in the response, and the Office will arrange the place and the time to hold the interview, if considered necessary, and the applicant should pay the official fee NT\$ 1000. If failure to submit the response in the statutory period, the applicant will not be allowed to request an extension, and the Office will examine based on the material on file in order that the Office will not have too much backlog.

Descriptions:

1. The present application entitled "Cleaning Gas" is related to cleaning gases, such as $\text{CF}_3\text{CF}=\text{CF}_2$, for cleaning a CVD tube, thereby achieving an object of cleaning the CVD tube.
2. The fluorine-containing gas or nitrogen-containing gas is widely used as the cleaning gas for cleaning CVD tube. See USP 4,793,283 and USP 4,795,880. Therefore, the present application does not have progressiveness.
3. The present application is easily achievable by the person skilled in the art. According to the Article 20(2) of the Patent Law, an invention patent shall not be granted thereto.
4. Although the publication dates of Taiwan Patent Publication Nos. 347,416 and 302,305 are later than the priority date (or filing date) of the present application, they are the same as the present invention, their assignees are Japanese corporations and their filing dates are much earlier than that of the present invention. Thus, the present application is in lack of novelty.

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